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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/918,733	07/31/2001	John Kroeker	57622-045 (ELZK-5)	2704

7590 12/13/2004

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BOSTON, MA 02109

EXAMINER
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AZAD, ABUL K

ART UNIT	PAPER NUMBER
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2654

DATE MAILED: 12/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/918,733

Applicant(s)

KROEKER ET AL.

Examiner

ABUL K. AZAD

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2654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 8/22/01; 2/25/02
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. Claims 1-36 are pending in this Office Action.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Papineni et al. (US 6,246,981).

As per claim 1, Papineni teaches, “a speech recognition system comprising”:

“a querying device for posing at least one query to a respondent” (Fig. 1, elements 40 and 60);

“a speech recognition device which receives an audio response from said respondent and transcribes said audio response to produce a corresponding text response” (Fig. 1, element 20); and

“a storage device for storing said audio response as it is received by said speech recognition device” (col. 5, lines 21-28, reads on “the dialog manager keeps track of the history of the conversation).

As per claim 2, Papineni teaches, “an accuracy determination device for comparing said text response to a text set of expected responses and determining

whether said text response corresponds to one of said expected responses" (col. 8, line 19 to col. 9, line 45).

As per claim 3, Papineni teaches, "if said accuracy determination device determines that said text response does not correspond to one of said expected responses within a predetermined accuracy confidence parameter, said accuracy determination device flags said audio response for further review" (col. 11, lines 9-24).

As per claim 4, Papineni teaches, "a human interface device for enabling a human operator to view said at least one query and to hear said audio response that corresponds to said at least one query" (col. 5, line 63 to col. 6, line 9).

As per claim 5, Papineni teaches, "wherein said human interface device comprises a personal computer including a monitor for enabling the operator to view said at least one query and an audio speaker device for enabling the operator to listen to said audio response" (col. 5, line 63 to col. 6, line 9).

As per claims 6 and 7, Papineni teaches, "wherein said querying device includes a program having an application file, said application file including code which causes the at least one query to be posed to the respondent, a list of expected responses and an address at which a file containing the received audio response will be stored in the storage device" (col. 6, lines 51-63).

As per claim 8 and 9, Papineni teaches, "wherein said human interface device includes a graphical user interface on which the operator views said at least one query and said text set of expected responses wherein, after listening to said audio response,

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the operator is able to select one of said expected responses from said text set of expected response" (col. 5, line 63 to col. 6, line 9).

As per claim 10 and 11, Papineni teaches, "wherein said graphical user interface comprises an application navigation window for enabling the operator to navigate through said at least one query, and an audio navigation window for enabling the operator to control playback of said audio response" (col. 5, line 63 to col. 6, line 9).

As per claim 12 and 13, Papineni teaches, "wherein said graphical user interface includes a text entry window which enables the operator to enter a text response if none of said expected responses from said text set of expected responses corresponds to said audio response" (col. 5, line 63 to col. 6, line 9).

As per claims 14-36, they are interpreted and thus rejected for the same reasons set forth in the rejection of claims 1-13.

#### ***Contact Information***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abul K. Azad** whose telephone number is **(703) 305-3838**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richemond Dorvil**, can be reached at **(703) 305-9645**.

Any response to this action should be mailed to:

**Commissioner for Patents**

**P.O. Box 1450**

**Alexandria, VA 22313-1450**

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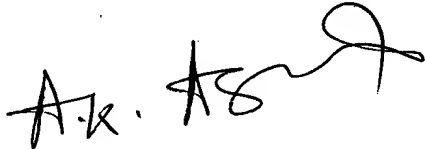
Or faxed to:

**(703) 872-9314**

(For informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to 2121 Crystal Drive, Arlington,  
VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should  
be directed to the Technology Center's Customer Service Office at telephone number  
**(703) 306-0377.**

A handwritten signature in black ink, appearing to read 'A.K. Azad', with a stylized flourish at the end.

Abul K. Azad

December 7, 2004